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Attorneys for Defendant  
CITIMORTGAGE, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VICTOR TINOCO,  
Plaintiff,  
v.

WACHOVIA BANK; WORLD SAVINGS BANK;  
WELLS FARGO BANK; JOE VILLARREAL  
PALMA; JOSE V. PALMA, INC.; PRUDENTIAL  
CALIFORNIA REALTY; REALTY WORLD  
COUNTYWIDE; VICTORIA MORTGAGE; JOSE  
REYES; RAMIRO ALCALA; CHICAGO TITLE  
CO.; INDYMAC BANK; CITIMORTGAGE;  
ATLAS MORTGAGE SERVICES; ROBERT  
FERNANDEZ; STEWART TITLE GUARANTY  
CO.; and DOES 1-100,

Defendants.

Case No.: 03363  
NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441(b)

[FEDERAL QUESTION]

PVT

PLEASE TAKE NOTICE that defendant CITIMORTGAGE, INC. (erroneously sued as "CitiMortgage") (hereinafter "Citi") removes to this Court the state court action described below pursuant to 28 U.S.C. Section 1441(b) *et seq.*

1. On May 14, 2009, an action was commenced in the Superior Court of the State of California in and for the County of Monterey, entitled *Victor Tinoco v. Wachovia Bank, et al.*, as case number GNM98683. A true and correct copy of the Complaint is attached hereto as **Exhibit**

A.

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ORIGINAL

WOLFE & WYMAN LLP  
ATTORNEYS & COUNSELORS AT LAW

2. The first date upon which service was effectuated on Citi was June 23, 2009, when Citi was served with a copy of the Summons and Complaint by way of personal service. A true and correct copy of the Proof of Service is attached hereto as **Exhibit B**. The date on which the first defendant, Ramiro Alcala was served (by substituted service) was June 22, 2009. A true and correct copy of the Proof of Service is attached hereto as **Exhibit C**. This notice of removal is timely under 28 U.S.C. Section 1446(b) because it was filed within 30 days of when the first defendant was served with a copy of the Summons and Complaint.

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Citi pursuant to the provisions of 28 U.S.C. § 1441(b) in that it arises under the Truth in Lending Act of 1968 (15 U.S.C §1601 et seq.). Supplemental jurisdiction exists with respect to any remaining claims pursuant to 28 U.S.C. § 1367.

4. The United States District Court for the Northern District of California has jurisdiction in this civil action as the real property that is the subject of the Complaint is located in the City of Salinas and County of Monterey. Moreover, the Superior Court of California for the County of Monterey is located within the Northern District of California. (See 28 U.S.C. § 84(a)). Thus venue is proper in this Court because it is the "District and Division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

5. Pursuant to Civil Local Rule 3-2(e), The Division to which this civil action should be assigned is the San Jose Division because the location of the real property that is the subject of this action is in the City of Salinas and County of Monterey.

6. Pursuant to 28 U.S.C. § 1446(a), Citi filed this Notice of Removal in the District Court of the United States for the district and division within which the state court action is pending.

7. Pursuant to 28 U.S.C. § 1446(a), Citi has attached true and correct copies of all process, pleadings and orders served upon Citi in the state court.

8. Pursuant to 28 U.S.C. § 1446(d), Citi will promptly give written notice of the removal to all adverse parties and will file a copy of the notice with the clerk of the Monterey County Superior Court.

1 9. WHEREFORE, Citi hereby removes Monterey County Superior Court Case number  
2 GNM98683 to the United States District Court for the Northern District of California.

3 Dated: July 22, 2009

Respectfully submitted,

4 WOLFE & WYMAN LLP

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6 By: 

STUART B. WOLFE  
NATILEE S. RIEDMAN  
Attorneys for Defendant  
CITI MORTGAGE, INC.

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